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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

NGUYEN, VAN KIM T

ART UNIT

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/749,850	<b>Applicant(s)</b> PETROV ET AL.	
	<b>Examiner</b> Van Kim T. Nguyen	<b>Art Unit</b> 2456	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 19 September 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 15-27 and 30-41 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 15-27 and 30-41 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>September 29, 2008</u> .                                      | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. This Office Action is responsive to communications filed on September 19, 2008.

Claim 15 has been amended, claims 1-14 and 28-29 cancelled, and claims 30-41 added; thus claims 15-27 and 30-41 are presented for examination.

### ***Information Disclosure Statement***

2. The information disclosure statement (IDS) submitted on September 29, 2008 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

### ***Response to Amendment***

3. The amended specification filed September 19, 2008 has been entered. The objection to the specification has been withdrawn.

4. Applicant's arguments, see page 9: lines 11-16, filed September 19, 2008, with respect to the rejection of claims 1-29 under 35 USC § 101 have been fully considered and are persuasive. Therefore, the rejection of claims 1-29 under 35 U.S.C. 101 has been withdrawn.

5. Applicant's arguments, see page 9; lines 17-20, filed September 19, 2008, with respect to the rejection of claims 1-27 under 35 USC § 112 have been fully considered and are persuasive. Therefore, the rejection of claims 1-29 under 35 U.S.C. 112 has been withdrawn.

6. Applicant's arguments with respect to the rejection of claims 15-29 under 35 USC §102 have been considered but are moot in view of the new grounds of rejection.

**7. Claim Rejections - 35 USC § 103**

8. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

9. Claims 15-17 and 20-24 are rejected under 35 U.S.C.103(a) as being unpatentable over Cundiff, JR. et al. (US 2004/0230973), hereinafter Cundiff, in view of Chang et al (US 7,203,697).

Regarding claim 15, Cundiff also discloses a multi-service monitoring system comprising:

computer server system (100; Figure 5) having an cluster of application servers (101, 102, 103; Figure 5) communicatively coupled on a computer network to serve applications over the computer network to a plurality of computer clients systems, each of the application servers comprising a plurality of server nodes (i.e., the server is a multi-process server with multiple JVMs; ¶ [0046]); wherein a computer server system (100; Figure 5) having a processor and a storage medium coupled with the processor (e.g., IBM's z900 series computer system inherently including a processor coupled with a storage medium; ¶[0033] and [0046]), the computer system including an application server having:

an administration service 165, 167 to generate a plurality of runtime management beans ("MBeans") on each of the server nodes and to associate each of the runtime MBeans with specified server node resources, each of the runtime MBeans collecting and reporting monitoring data for its associated resource of resources via an MBean server 145; and

a monitor service in communication with the administration service, the monitor service (i.e., control service 175) to generate monitor MBeans corresponding to selected runtime

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MBeans, wherein each of the monitor MBeans corresponds to at least one of the runtime MBeans, the monitor MBeans arranged in a hierarchical tree structure, each of the monitor MBeans to receive the monitoring data from its corresponding runtime MBean (Figures 9-12; ¶ [0037-0038]).

Cundiff does not explicitly call for each of the monitor MBean having a resource identifier to identify its corresponding runtime MBean and an associated resource being monitor by the runtime MBean.

Chang discloses the monitor MBean having a resource identifier to identify its corresponding runtime MBean and an associated resource being monitor by the runtime MBean (col. 5: lines 36-64).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply Chang's teaching of adding resource identifiers field in Cundiff's system, motivated by the need of properly managing and monitoring remote resources.

Claims 30 and 36 are rejected under the same basis.

Regarding claim 16, Cundiff-Chang also discloses a notification service to generate notifications in response to certain specified events associated with certain resources of certain MBeans, the notification service distributing the notifications across all, or a subset of, the server nodes of the cluster (Figures 9-12; Cundiff, ¶ [0037-0038]).

Claims 31 and 37 are rejected under the same basis.

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Regarding claim 17, Cundiff-Chang also discloses an administration adapter service 165, 167 include a convenience interface to provide access to one or more of the MBean servers 145 from a remote client (Cundiff; Figures 9-12).

Claims 32 and 38 are rejected under the same basis.

Regarding claim 20, Cundiff-Chang also discloses the administration service generates standard runtime MBeans and specific runtime MBeans, the standard runtime MBeans providing one or more predefined standard functions for their associated resources, and the specific MBeans providing one or more resource- specific functions for their associated resources (Cundiff; ¶ [0034 and 0043]).

Claims 35 and 41 are rejected under the same basis.

6. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cundiff-Chang, as applied to claim 17 above, in view of Ismael et al (US 6,061,721), hereinafter Ismael.

Cundiff-Chang does not explicitly disclose a swing-based graphical user interface ("GUI") coupled to the convenience interface and the hierarchical tree structure, the swing-based GUI to represent the management functionality of the monitoring architecture to a network administrator or end user.

Ismael teaches beans are reusable software component which can be manipulated visually by GUI builder or Graphical user interface (col. 2: lines 23-36).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the well known GUI builder taught by Ismael in the system of Cundiff-Chang, in order to manipulate the software commands easier using the virtually builder tools.

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Claims 33 and 39 are rejected under the same basis.

10. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cundiff-Chang, in view of Jung et al (US 6,308,208), hereinafter Jung.

Cundiff-Chang does not explicitly disclose a shell command interface comprising a plurality of shell commands for controlling monitor configuration data and monitor resource data.

Jung discloses a shell command interface comprising a plurality of shell commands for controlling monitor configuration data and monitor resource data (Figure 5, col. 7: lines 1-31).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include Jung's cell commands for controlling monitor configuration data and monitor resource data in Cundiff-Chang's system, motivated by the desire to enhance the system monitoring.

Claims 34 and 40 are rejected under the same basis.

### ***Conclusion***

11. Applicant's amendment necessitated the new grounds of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after

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the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to VAN KIM T. NGUYEN whose telephone number is (571)272-3073. The examiner can normally be reached on 8:00 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on 571-272-3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Van Kim T. Nguyen  
Examiner  
Art Unit 2456

vkkn



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/Bunjob Jaroenchonwanit/

Supervisory Patent Examiner, Art Unit 2456